

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).23179/2008

(From the judgement and order dated 21/05/2008 in CWP No. 8653/2008 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

GURU NANAK DEV UNIVERSITY & ANR. Petitioner(s)

VERSUS

TUSHAR VIJAN & ANR. Respondent(s)

(With prayer for interim relief)

WITH I.A.NOS.2-3 (Appln. for placing on record letter dated 15.7.2009 and exemption from filing O/T)

(For final disposal)

Date: 13/11/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Amanpreet Singh Rahi, Adv.
Mr. Tushar Bakshi, Adv.
Mr. Ajay Singh, Adv.
Mr. Ashok K. Mahajan, Adv.

For Respondent(s) Mr. Dinesh Verma, Adv.
Mr. Rajat Sharma, Adv.
Dr. Kailash Chand, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted. Heard the parties.

The appeal is allowed and the order of the High Court is set aside in terms of the signed order .
(Ravi P. Verma) (M.S. Negi)
Court Master Court Master
[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7581 OF 2009
[Arising out of SLP(C) No.23179 of 2008]

GURU NANAK DEV UNIVERSITY & ANR.APPELLANT(S)

Versus

TUSHAR VIJAN & ANRRESPONDENT(S)

O R D E R

Leave granted. Heard the parties.

2. By order dated 1.2.2008, the appellant-University awarded punishment (disqualification for two years) to first respondent, a student of the second respondent Institute affiliated to the University under Ordinance 11.1 read with 10(a). The punishment awarded was the minimum disqualification provided. The first respondent challenged the said order dated 4.4.2008 by filing a writ petition before the Punjab & Haryana High Court. The High Court, even without issuing notice to the respondent-University, allowed the writ petition and reduced the punishment imposed by the Unfair Means Committee of the University to a disqualification for one year. The said order is challenged in this appeal by special leave.

3. We fully agree with the appellant that the High Court ought not to have reduced the punishment without2.

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notice to the University. The procedure of allowing writ petitions and granting relief without notice to the affected respondents is improper. However, as far as merits are concerned, learned counsel for the University stated that in view of the interim stay granted by this Court on 11.9.2008, the disqualification was continued for two years' period, and after completion thereof, the first respondent has been permitted to join the ninth semester. The said submission is taken on record.

4. In view of the above, the appeal is allowed and the order of the High Court is set aside.

.....J.
(R.V. RAVEENDRAN)

New Delhi;

.....J.

November 13, 2009.

(G.S. SINGHVI)